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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SHO-0019	
	Application Number 10/697,942-Conf. #8926	Filed October 31, 2003	
	First Named Inventor Kazuo OKADA		
	Art Unit 3714	Examiner O. A. Deodhar	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>29,211</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <div style="text-align: right;"> _____ Signature _____ Carl Schaukowitch Typed or printed name _____ (202) 955-3750 Telephone number _____ March 18, 2008 Date</div>			
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of <u>1</u> form is submitted.</p>			



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kazuo OKADA

Application No.: 10/697,942

Filed: October 31, 2003

For: GAMING MACHINE

Attorney Docket No.: SHO-0019

Examiner: O. A. Deodhar

Art Unit: 3714

Confirmation No.: 8926

ARGUMENTS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In the final Office Action mailed November 30, 2007, claims 15-19 are rejected under 35 USC 102 (b) as being anticipated by McLaughlin (GB 2,274,010). The rejection is respectfully traversed.

McLaughlin teaches a gaming/amusement apparatus that includes a visual display and a lens. The lens is arranged over the visual display and is adapted to modify the appearance and/or apparent size of the display. The use of a lens enables the apparent size of the visual display to be changed to a size suitable for artwork provided on the external fascia of the apparatus. The lens can be a spherical lens or a Fresnel lens.

The courts have required for §102 anticipation that a single reference teach (i.e., identically describe) each and every element or step of the rejected claim or else the reference falls under §103. Atlas Powder v. E. I. du Pont, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984), Jamesbury Corp. v. Litton Industrial Products, 756 F.2d 1556, 22 5 USPQ 253 (Fed. Cir. 1985).

Claim 15 is directed to a gaming machine that includes a first display device, a

second display device, an input device, a controller and a display scaling unit. Claim 15 recites that the first display device variably displays a plurality of symbols and the second display device electrically displays various images with the second display device being provided in front of the first display device and configured to enable the player to see the symbols displayed by the first display device therethrough. Claim 15 also recites that the input device allows a player to input a command to bet and the controller controls the first display device and the second display device in accordance with the command to provide a game to the player. Furthermore, claim 15 recites that the display scaling unit is disposed between the first display device and the second display device and configured to scale up or down the display displayed on the first display device.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each and every element of claim 15. Specifically, it is respectfully submitted that the applied art fails to teach the following claimed elements:

1. a first display device that variably displays a plurality of symbols and a second display device that electrically displays various images with the second display device being provided in front of the first display device and configured to enable the player to see the symbols displayed by the first display device therethrough; and
2. a display scaling unit that is disposed between the first display device and the second display device.

By contrast, the applied art teaches a lens 3 (equivalent, in part, to the display scaling unit of the claimed invention) disposed between a visual display 1 (equivalent to the first display device of the claimed invention) and a transparent aperture 6 (no equivalent to the claimed invention).

As a result, it is respectfully submitted that claim 15 is allowable over the applied art.

Claims 16-19 depend from claim 15 and include all of the features of claim 15. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 15 is allowable as well as for the features they recite. For instance, claim 18 recites that the display scaling unit moves the lens with respect to the first

display device and the second display device. Claim 19 recites that the display scaling unit moves the lens in back and forth direction.

By contrast, the lens of the applied art is fixed in a stationary position. This notion is suggested on page 2, lines 16-21 of the applied art which states:

Thus by the choice of an appropriate lens, a standard display may be adapted to fit a desired area of artwork. The size, shape and focal length of the lens can be chosen to suit any particular application and a lens can easily be changed when the apparatus is modified for new artwork.

In brief, there is no device or any capability whatsoever in the applied art to move the lens 3.

Thus, it is respectfully submitted that claims 18 and 19 are allowable over the applied art for these additional reasons.

Withdrawal of the rejection is respectfully requested.

Claims 20 and 21 are rejected under 35 USC 103 (a) as being unpatentable over McLaughlin in view of Jaffe (U.S. Patent No. 6,569,018). The rejection is respectfully traversed.

Jaffe discloses a gaming machine that includes a first video display, a second video display and a controller. The second video display is positioned adjacent the first video display. A controller generates a unified image of a game of chance on the first and second video displays. The unified image includes a first portion on the first video display and a second portion on the second video display.

Claims 20 and 21 depend from claim 15 and include all of the features of claim 15. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 15 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Claims 22-33 are rejected under 35 USC 103 (a) as being unpatentable over McLaughlin in view of Kawahara et al. (U.S. Patent No. 5,506,629). The rejection is respectfully traversed.

Kawahara discloses a projecting-type display apparatus which magnifies and projects an image onto a screen that includes an image forming device, an image

forming device frame, a projection lens, a lens frame, a flexible fastening member, a cooling liquid and a holder. The image forming device forms the image to be projected onto said screen. The image forming device frame for holds said image forming device. The projection lens magnifies and projects said image onto said screen. The lens frame holds said projection lens. The flexible fastening member fastens said image forming device frame to said lens frame. The cooling liquid fills a space defined by said image forming device, projection lens and fastening member. The holder rotatably supports said image forming device frame relative to said lens frame with a shaft to provide elastic attachment between said frames such that an axis perpendicular to an image display face of said image forming device is inclinable to an optical axis of said projection lens by an arbitrary angle.

Claim 24 is directed to a gaming machine that includes a first display device, a second display device, an input device, a controller and a display scaling unit. Claim 24 recites that the first display device variably displays a plurality of symbols and the second display device electrically displays various images with the second display device being provided in front of the first display device and configured to enable the player to see the symbols displayed by the first display device therethrough. Claim 24 also recites that the input device allows a player to input a command to bet and the controller controls the first display device and the second display device in accordance with the command to provide a game to the player. Additionally, claim 24 recites that the display scaling unit includes a lens that is moved in accordance with a progress of the game to scale up or down the symbols displayed on the first display device.

It is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests the features of claim 24. Specifically, it is respectfully submitted that the applied art, alone or in combination, fails to teach or suggest the following claimed elements:

1. a first display device that variably displays a plurality of symbols and a second display device that electrically displays various images with the second display device being provided in front of the first display device and is configured to enable the player to see the symbols displayed by the first display device therethrough; and

2. a display scaling unit that includes a lens that is moved in accordance with a progress of the game displayed on the first display device.

Thus, it is respectfully submitted that one of ordinary skill in the art could not combine the features of the applied art to arrive at the claimed invention because the applied art is devoid of all the features of the claimed invention. As a result, it is respectfully submitted that claim 24 is allowable over the applied art.

Also, Applicant asserts that the reasons mentioned above also apply with this rejection in that McLaughlin does not teach the appropriate claimed elements.

Claims 22 and 23 depend from claim 15 and include all of the features of claim 15. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 15 is allowable as well as for the features they recite.

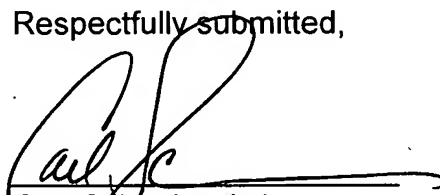
Claims 25-33 depend from claim 24 and include all of the features of claim 24. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 24 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Respectfully submitted,

Date: March 18, 2007

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Enclosure(s): Notice of Appeal
 Pre-Appeal Brief Request for Review
 Petition for Extension of Time (one month)